
By: **Senator Della**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 14, 2003

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages - Unexpired Licenses**

3 FOR the purpose of authorizing the Board of Liquor License Commissioners for
4 Baltimore City to determine under certain circumstances the period for which
5 an alcoholic beverages license may be deemed unexpired; specifying a certain
6 finding that the Board must make to support a certain determination; requiring
7 secured creditors to sell certain licenses within a certain period; making a
8 certain technical correction; and generally relating to alcoholic beverages
9 licenses issued in Baltimore City.

10 BY repealing and reenacting, with amendments,
11 Article 2B - Alcoholic Beverages
12 Section 10-504(d)
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2002 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article 2B - Alcoholic Beverages**

18 10-504.

19 (d) (1) (i) This subsection applies only in Baltimore City.

20 (ii) In this subsection, "Board" means the Board of [License
21 Commissioners or the Office of the Comptroller, whichever is the issuing party]
22 LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY.

23 (2) 180 days after the holder of any license issued under the provisions of
24 this article has closed the business or ceased active alcoholic beverages business
25 operations of the business for which the license is held, the license shall expire unless:

1 (i) An application for approval of a transfer to another location or
2 an application for assignment to another person pursuant to § 10-503(d) of this
3 subtitle has been approved or is then pending;

4 (ii) An application pursuant to § 10-506 of this subtitle has been
5 approved or is then pending; [or]

6 (iii) A written request for a hardship extension, as provided in this
7 subsection, is filed within the 180-day period; OR

8 (IV) THE BOARD DETERMINES THE PERIOD FOR WHICH A LICENSE
9 MAY BE DEEMED UNEXPIRED UNDER PARAGRAPH (6) OF THIS SUBSECTION.

10 (3) The licensee or other appropriate interested parties may make a
11 written request to the Board for an extension of the life of the license due to undue
12 hardship, for a time period of no more than a cumulative period of 360 days after the
13 date of closing or cessation of alcoholic beverages business operations of the business
14 for which the license is held.

15 (4) After a hearing conducted on the extension request, on a finding that
16 undue hardship currently exists causing the closing or cessation of business
17 operations, the Board may grant an extension of the life of the license for a time
18 period not to exceed 360 days as defined in [paragraphs] PARAGRAPH (3) [and (5)] of
19 this subsection.

20 (5) [It] EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION,
21 IT is the intent of this subsection that the total time period for which a license may be
22 deemed unexpired [under paragraph (2) of this subsection] is 180 days if no undue
23 hardship extension is granted, and no more than 360 days if an undue hardship
24 extension has been granted.

25 (6) (I) THE BOARD MAY DETERMINE THE PERIOD FOR WHICH A
26 LICENSE MAY BE DEEMED UNEXPIRED IF THE BOARD FINDS AT ANY TIME THAT:

27 1. THE LICENSED PREMISES HAS BEEN DESTROYED BY FIRE
28 OR OTHER NATURAL DISASTER;

29 2. THE HOLDER OF THE LICENSE HAS DIED;

30 3. LITIGATION HAS STARTED CONCERNING OWNERSHIP OF
31 THE LICENSE;

32 4. THE HOLDER OF THE LICENSE HAS DECLARED
33 BANKRUPTCY;

34 5. CONDEMNATION PROCEEDINGS OF THE LICENSED
35 PREMISES HAVE BEGUN; OR

36 6. THE HOLDER OF THE LICENSE IS PHYSICALLY IMPAIRED,
37 AS DOCUMENTED BY A PHYSICIAN'S REPORT.

1 (II) A SECURED CREDITOR WHO TAKES POSSESSION OF A LICENSE
2 THAT IS SUBJECT TO THIS PARAGRAPH MUST SELL THE LICENSE WITHIN 1 YEAR
3 AFTER TAKING POSSESSION OF IT.

4 (III) The time period FOR CALCULATING THE EXPIRATION DATE OF
5 A LICENSE UNDER THIS SECTION begins at the earlier of the closing of the business or
6 cessation of alcoholic beverages business, and shall be tolled only upon the filing of an
7 application or request described in paragraph (2) of this subsection, the expiration
8 period to begin running again, cumulatively to the time period before the filing of the
9 application or request, upon the occurrence of the later to occur of the following
10 events:

11 [(i)] 1. Final action of the Board granting or denying a request
12 authorized by paragraph (3) of this subsection;

13 [(ii)] 2. Final action of the Board denying an application described
14 under paragraph (2)(i) or (ii) of this subsection; [or]

15 [(iii)] 3. Final judgment of the appellate court when judicial review
16 of the Board's action on an application or request authorized by paragraph (2) or (3) of
17 this subsection has been sought, or on dismissal of a petition for judicial review; OR

18 4. FINAL ACTION OF THE BOARD DETERMINING THE PERIOD
19 FOR WHICH A LICENSE MAY BE DEEMED UNEXPIRED UNDER SUBPARAGRAPH (I) OF
20 THIS PARAGRAPH.

21 [(6)] (7) If an application or request to the Board described in paragraph
22 (2) or (3) of this subsection is withdrawn, there shall be no tolling of the period for
23 automatic expiration of the license and it shall be deemed as if no such application or
24 request was filed.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2003.